

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

6:69cv07941-BB-LFG

RIO CHAMA STREAM SYSTEM

Section 7, Rio Brazos

Subfile No. CHRB-004-0057

MOTION TO AMEND CONSENT ORDER
IN SUBFILE CHRB-004-0057

COMES NOW the plaintiff State of New Mexico, *ex rel.* State Engineer and moves the Court to amend the mapping of the irrigated lands in the Consent Order entered for subfile CHRB-004-0057 (Dorothy Wardlow and T. J. Wardlow) (filed May 13, 2005, Doc. No.7854) and as grounds therefore plaintiff states:

1. In reviewing the mapping of the irrigated lands in the Brazos subsection in preparation for *inter se* proceedings and entry of a partial final decree, the hydrographic survey staff of the Office of the State Engineer has found an error in the mapping of the boundary of the irrigated land in subfile CHRB-004-0057 with the adjacent land to the east in subfile CHRB-004-0055A (Manuel D. Trujillo and Marcella Doreen Burbank Trujillo). The existing mapping has a small overlap in the mapping of the two subfiles. The overlap and error has been corrected using survey information provided by Manuel and Marcella Trujillo (Plat of Survey filed March 5, 2008, Book L1, Page 152) showing the

boundary between the land owned by the Trujillos with the adjacent property owners to the west.¹

2. The attached revised subfile map dated July 28, 2011 should be substituted for the subfile map attached to the Consent Order filed May 13, 2005 in subfile CHRB-004-0057. The amount of irrigated acreage in the subfile mapping has been reduced to 3.1 acres from 3.2 acres.

WHEREFORE, the plaintiff State of New Mexico requests the Court to amend the Consent Order filed May 13, 2005 in subfile CHRB-004-0057 and substitute the attached revised subfile map dated July 28, 2011 for the subfile map attached to the Order, and revise the amount of irrigated acreage in this subfile to 3.1 acres.

Respectfully submitted,

/s/ Ed Newville

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¹ The overlap in the current mapping occurs in the extreme northeast corner of the subfile mapping for CHRB-004-0057.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 12th day of October 2011, I filed the foregoing electronically through the CM/ECF system which caused the parties on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served via electronic mail, and served the following parties via first class mail addressed as stated.

/s/ Ed Newville
EDWARD G. NEWVILLE

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